IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1260 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/07/2004 in W.P.No.11554 OF 2004 on the file of the High Court.)

Between:

Khursheed Ali,

S/o Late Mahboob Ali,

Aged 73 years, Occupation: Pensioner,
R/o Siddipet, District Medak,

presently at H.No. 11-3-777, Mallepally,
Hyderabad - 500 001.

..... APPELLANT

AND

The Mandal Revenue Officer,

Revenue Mandal Siddipet,

District Medak.

.....RESPONDENT

Counsel for the Appellant :Mr. MOHD. GHULAM HUSSAIN

Counsel for the Respondent : Govt.Pleader for Assignment

The Court made the following :

JUDGMENT: (Per Hon'ble the Chief Justice)

Appellant's writ petition was dismissed by the learned single Judge on merits as the appellant was not at all eligible for grant of house site patta in Siddipet. This order was passed by the learned single Judge dismissing the writ petition at the admission stage without taking the respondent's version on record.

Appellant – petitioner had in fact sought direction against the respondent for consideration of his representation alleged to have been made on 28-01-2004 to the respondent for issuance of patta certificate to him and other family members, in respect of the land in Sy.No.1855 situated in Siddipet village, in terms of G.O.Ms.No.972 Revenue (Asn.I) Department dated
04-12-1998.

Grievance made by the appellant in the writ petition was that though representation has been made, the same has not been considered and no orders passed thereupon. As such, the only question which was to be decided by the learned single Judge was whether or not to issue any direction to the respondent for consideration of the representation on merits in accordance with law. Respondent had not placed any material on record to suggest that representation had been rejected on the ground that the petitioner was not eligible for grant of patta certificate. Therefore, it was not the question before the learned single Judge that whether or not the appellant was eligible for grant of patta. The order passed by the learned single Judge as such, is bad in law and is liable to be set aside.

Appeal is accordingly allowed with direction to the respondent to take appropriate decision in accordance with law on the representation of the appellant alleged to have been submitted on 28-01-2004 praying for issuance of patta to him and other family members in respect of the land in question. In case the decision has not so far been taken, the respondent is directed to take appropriate decision thereupon within a period of two months from the date of receipt of writ order from the Court and to convey the said order to the appellant within a period of one month thereafter. In case the decision has already been taken, the respondent may duly intimate the said decision to the appellant within a period of one month from the date of receipt of writ order from the Court.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

19-08-2004

bsc

To

1. The Mandal Revenue Officer,

Revenue Mandal Siddipet,

District Medak.

2. 2 CCs to Govt. Pleader for Assignment, High Court Building, Hyderabad (OUT)

3. 2 C.D. copies